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DATE FILED: 3/24/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JORGE VINCENTE,

Plaintiff,

-against-

POLICE OFFICERS RUOTOLO (Shield #8226) and DAVLYN DEVERS (Shield #23412)

Defendants.

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STIPULATION OF SETTLEMENT AND ORDER OF DISMISSAL

06 CV 1135 (SHS)

WHEREAS, plaintiff commenced this action by filing a complaint on or about February 14, 2006, alleging that defendants violated plaintiff's federal civil and state common law rights; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed against defendants, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff the sum of Thirty Five Thousand ($35,000.00) Dollars in full satisfaction of all claims, including for attorney's fees, costs and expenses. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against defendants, and to release defendants, and any present or former employees and agents of the City of New York, or any agency thereof, from any and all

liability, claims, or rights of action that were or could have been alleged in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement. In accordance with this stipulation, plaintiff has already executed and delivered a General Release based on the terms of paragraph 2 above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by the defendants that defendants have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject

matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
March 19th, 2008

Richard Adam, Esq.
Attorney for Plaintiff
The Adam Law Office, P.C
275 Madison Avenue - Suite 1100
New York, NY 10016

By: ______________________
RICHARD ADAM (   )

MICHAEL A. CARDOZO
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City of New York
Attorney for Defendants Police Officer
Ruotolo and Police Officer Devers
100 Church Street, Room 3-189
New York, New York 10007
(212) 788-0976

By: ______________________
JOHANA CASTRO (JC 1809)
Assistant Corporation Counsel

SO ORDERED: 3/21/08

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U.S.D.J.